

BONAFIDE & CERTIFIED REPORTING SERVICE (787) 250-8507)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

\*\*\*\*\*

UNITED STATES OF AMERICA :

Plaintiff :

v. :

:CIVIL NO. 98-1664 (CCC)

:CIVIL NO. 98-2344 (CCC)

33,92536 ACRES OF LAND, MORE :  
OR LESS, SITUATED IN VEGA BAJA, :  
COMMONWEALTH OF PUERTO RICO, :  
AND JUAN PIZA BLONDET, AND :  
UNKNOWN OWNERS :

Defendants :

\*\*\*\*\*

DEPOSITION OF:

JUAN PIZA BLONDET

was taken on April 6, 2006 at the offices of CARLOS  
GAZTAMBIDE & ASSOCIATES, Banco Popular Center, Suite  
1515, 208 Muñoz Rivera Avenue, Hato Rey, Puerto Rico,  
commencing at 1:38 p.m.

BONAFIDE REPORTING SERVICE  
PO BOX 11850  
SUITE 236, SAN JUAN, PR 00922-1850  
(787) 250-8507

## BONAFIDE &amp; CERTIFIED REPORTING SERVICE (787) 250-8507)

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1 MR. MUNPHREY: Just ask you to qualify  
2 develop.

## EXAMINATION CONTINUED

3 BY MR. TAPICK:

4 Q Okay. I'll rephrase the question.

5 Is there sand on the portion of your farm that you  
6 developed into the Haciendas de Tortuguero subdivision?

7 A There might be some.

8 Q And by sand, I'm referring to silica sand.  
9 Does that change your answer?

10 A No. There might be some.

11 Q Did you hire anyone to analyze the quantity of  
12 sand before you began developing the Haciendas de  
13 Tortuguero subdivision?

14 A At one point, yes.

15 Q Who did you hire?

16 A Santiago.

17 Q The Engineer Santiago who assisted you and  
18 that you referenced before?

19 A Uh-huh.

20 Q Did Mr. Santiago recommend that you extract  
21 the sand prior to the development of the Haciendas de  
22 Tortuguero?

23 A Well, let's put it this way. I don't think he  
24

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1 tower property all the way to the west, west meaning to  
2 the edge of your property on the west, is that --

3 A On the Road 687, 687.

4 Q How much sand did you extract from that area?

5 A That was years ago. The thing is the people  
6 from Owens, I talked to them because of you people and  
7 now they're going to come back to the farm because they  
8 need sand.

9 They said they could get the permission so I get  
10 the, the, I fill in from the mountain, I've got two,  
11 what do you call them, "canteras". "Canteras" is where  
12 you get fill, land fill from the mountain, I got on the  
13 farm or "cerro" and you put it into the, where you take  
14 the sand out so we're going to examine, the only thing  
15 they're paying much more now than they used to pay.

16 Q So it's your testimony that you're in the  
17 process of speaking to Owens Illinois currently about  
18 extracting sand from --

19 A Yes.

20 Q -- other parts of your farm, is that correct?

21 A Yes. We want to do that. It's very good deal  
22 and they've got a problem, they're going to be closed if  
23 they don't get sand.

24 Q Have you done the talking with Owens Illinois

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1 recommended because we knew if we had silica sand, it's  
2 a great deal to sell it, so we would be in the same  
3 idea, that it would be good to sell it. I think he  
4 worked more on the lot which is next to the tower and  
5 the lot, he did do the plans, part of the plans of the  
6 Haciendas de Tortuguero and he didn't recommend because  
7 if we had sand, it's a very good deal for us.

8 Q Did you extract sand before you developed  
9 Haciendas de Tortuguero on that particular site?

10 A Well, let's say we extracted sand from the  
11 limit of the tower to the west. That would take maybe  
12 180 acres or something acres.

13 Q Is that where the Haciendas de Tortuguero  
14 Development is located?

15 A Yes, it's there. Part of that.

16 Q So your testimony is that you extracted  
17 sand from the boundary of the tower property, is that  
18 what I heard you say?

19 A Well, we wanted to extract sand from the tower  
20 but did not think it appropriate since it was rented to  
21 the government. If it had not been rented to the  
22 government, we would have extracted, there's a hell of a  
23 lot of sand there.

24 Q But you extracted sand from the edge of the

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1 or is it a representative of yours?

2 A No, I talked to them.

3 Q Can you tell me who you spoke to at Owens  
4 Illinois?

5 A Yes. I have it written down. I can get the  
6 papers and I can give you the exact names and telephone  
7 numbers.

8 Q So the 34 acre portion of your farm that the  
9 FAA acquired as part of this case is not the only part  
10 of your farm that has sand deposits, correct?

11 A There was sand all over the place. Well, yes.

12 Q In your prior sand extra operations that you  
13 undertook on your farm, can you give me a time frame  
14 when they occurred? Ballpark, if you could.

15 A From '88 up. Now, far up, I don't, I can't  
16 really precise it.

17 Q Do you recall if you were in the process of  
18 extracting sand on the rest of your farm on the date of  
19 taking, December 2nd, 1998?

20 A I didn't even know I had a taking so I mean, I  
21 can't precise it. I got informed later on. It was '98,  
22 not '88, yes.

23 Q Have you formed an opinion of value for the 34  
24 acres of land that were acquired by the FAA in this

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1 case?

2 A Yes. I just talked to Wayne and said that if  
3 you people aren't going to use that in maybe 20 years or  
4 30 years, I'd like to get it back for some, I don't  
5 know, because I think it's very valuable land.

6 Q My question is more directly focused on, do  
7 you have a dollar amount in mind for what you think the  
8 land is, what you, for the amount that you think you are  
9 owed for the taking of the 34 acres?

10 A Yes, I think it's more than Gaztambide said it  
11 was worth, yes.

12 Q What do you base your opinion of value, if I  
13 may call it that, on what information?

14 A You want me to give the -- Right now I've got  
15 a fellow who optioned, who already bought a lot from me.  
16 He bought years ago a lot for 200,000 cash on the corner  
17 and he made, he made out plans to build 168 walkups on  
18 my, I think Gaztambide has the plan, on my, one of the  
19 corners from his property to go in, so he can go in  
20 through my avenue and he's paying \$100. a meter.

21 Q A hundred dollars a meter, is that what you  
22 said?

23 A He's paying 3,100,000 when he gets the  
24 approvals.

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1 It's a nice place. The avenue gets over there so  
2 could be the same price plus I already have the, the 72  
3 units presented there.

4 There's a group, a fellow called Angel Ramirez who  
5 was an environmental, he was taking care of  
6 environmental things and he asked for a "bosque", a  
7 "bosque" is a, like woods, we put it into the project so  
8 I was going to revive the project now and the only thing  
9 I don't have to pay again to put it in, we have to X  
10 amount per unit per unit.

11 If you've got a couple of thousand units like this  
12 fellow or a couple of hundred units like this fellow,  
13 runs into a couple of thousand just to put it in, apart  
14 from plans, apart from everything else.

15 Q So if I understand you correctly, your opinion  
16 of value is based on a pending sale that has not been  
17 concluded?

18 A Well, let me say a little bit further up,  
19 years ago, a friend of mine called Samuel Mendez Cuesta  
20 sold five acres for, for two million dollars cash to a  
21 fellow who just completed a walkup there.

22 Q Where is that located?

23 A A kilometer from me or something like that.

24 Q In Vega Baja?

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1 Q Is that a contingency sale then?

2 A Well, in a sense, we have not an option, we  
3 have an option for two weeks, for two months. Is that a  
4 contingency? I don't know what you mean by a  
5 contingency.

6 Q By contingency sale I mean is his, is his  
7 commitment to purchase contingent upon receiving  
8 approvals for development from the appropriate  
9 authorities?

10 A Apparently he knows he's going to have the  
11 approvals and he's presenting the plans which are  
12 costing him a hell of a lot of money. He made a  
13 topographic plan. He made a measurement plan. He made  
14 a building plan and he's presenting it this week or next  
15 week to the Planning Board and he's gone into a hell of  
16 a lot of expense and he has, Banco Popular is going to  
17 finance him and he has the whole thing kind of  
18 organized.

19 Banco Popular had a 150,000 mortgage on the lot he  
20 bought. They told him to do this deal they wanted him  
21 to pay off and he paid it off so he has two months to do  
22 the deal so why I came into this is why I have an idea  
23 what the other land is worth, well, at least 20 or 20  
24 some acres of that land is virginary land.

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1 A Yes. Like next to it, it's one kilometer.

2 Q North of the subject?

3 A Let me think. North would be, the sea would  
4 be north, the sea would be north and it would be south  
5 of the project. Called Pisos Reales and they sold out  
6 and the fellow who bought that wants to buy more  
7 property.

8 Q So is it fair to say that your opinion of  
9 value is based on other sales in the vicinity of your  
10 property that were not included in Mr. Gaztambide's  
11 report?

12 A You know, I can tell you something, I didn't  
13 read Gaztambide's report too much. I should have but,  
14 unfortunately I didn't so I don't even know what he put  
15 in there.

16 Q Do you have a separate opinion of value for  
17 the sand deposits that are contained in the 34 acres of  
18 property?

19 A A separate, a what? I didn't understand that.

20 Q Do you have an opinion of value for how much  
21 the sand on the 34 acres of property is worth?

22 A It's high sand. The only thing you have to do  
23 is scrape it up with a loader, with a, we calle "tres  
24 cabitos". It's a --

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1 Q Is that a back hoe? A bulldozer?

2 MR. E. HARRISON: Digger?

3 THE DEPONENT: Hold it, hold it. Let me think  
4 about this. I'm a little confused. We call it "tres  
5 cabitos" here in Puerto Rico. It's not the very elegant  
6 name. It's a big machine and it has wheels of, not of  
7 "estrias, gomas", rubber, rubber wheels, it has the big  
8 bucket you can take maybe three or four meters there and  
9 that's what you, you know, trucks come in, let's say  
10 from eight to 35 meters, so if it's eight, with two  
11 buckets you fill the, three buckets you fill the truck  
12 up so it's very cheap to, to use that sand and it's high  
13 so you just have to scrape and fill so it's a very cheap  
14 operation to get sand.

15 Another operation in the back of that would be to,  
16 you have a cleaning plant which would be more, much more  
17 complicated but it's a very easy, they used to charge  
18 and I think they still do, a buck to fill and the fellow  
19 who would come in would have his own trucks so he would  
20 have his trucks working and his machine working so he  
21 charged you a buck to fill and maybe two or three  
22 dollars to take it over to Owens.

23 I don't know what Owens is paying exactly because I  
24 know it's in Joyce's thing but I think they're paying 30

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1 A Well, I believe it's worth more, sure.

2 Q Do you intend to perform a calculation prior  
3 to trial to determine more exactly what your opinion of  
4 value for that sand deposit would be?

5 A Yes. Let me tell you, if there hadn't been a  
6 mission on your property, we would have taken that sand  
7 out years ago.

8 MR. TAPICK: Off the record for a second.  
9 (Off the record discussion.)

10 EXAMINATION CONTINUED

11 BY MR. TAPICK:

12 Q Mr. Piza, can you explain to me what  
13 experience you've had as a developer of residential  
14 properties.

15 A Gee, I found an old resume the day before, I  
16 should have brought that over, that would be much  
17 easier.

18 All I can tell you the biggest project this guy did  
19 was the Tropicana in Isla Verde, they were 220 units and  
20 I sold that in the third floor or the first floor, I'm  
21 not sure and it make a hell of a lot for me so I was  
22 much happier and I didn't finish it.

23 Q Can you tell me the year or the approximate  
24 year that that development took place?

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1 to 50 bucks a meter so every time you take a meter over  
2 there, if it's 30 bucks and you've got four bucks of  
3 transportation, one buck, you get 25 buck profits. If  
4 it's 50, you've got more and these, some of these trucks  
5 take 35 meters which is glory if you're getting the  
6 money.

7 Q So based on what you have just told me, have  
8 you calculated using the figures of the costs of  
9 extraction and the price that would be paid for the  
10 sand, have you calculated how much sand is on your  
11 property or how much that sand would be worth?

12 A On this piece of property, no, I haven't  
13 calculated. I just read some of what Joyce said.

14 Q Do you intend to offer an opinion of value for  
15 the value of the sand deposits at trial?

16 MR. P. E. HARRISON: Let me just enter an  
17 objection. If you ask him at trial, maybe so. You may  
18 go ahead.

19 THE DEPONENT: Well, I think I answered.  
20 Anything else that --

21 EXAMINATION CONTINUED

22 BY MR. TAPICK:

23 Q Do you intend to offer an opinion of value at  
24 trial? Is it your intention presently?

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1 A I think it was 1973.

2 Q Since then you've developed such projects as  
3 the Haciendas de Tortuguero, is that correct?

4 A Yes, we're in the process of that.

5 Q Okay. Are there any other developments  
6 besides the Haciendas de Tortuguero that you've  
7 developed in say the past say ten or 15 years?

8 A Well, it depends what you say develop, okay.  
9 We did a small project in, in, in Cayey called something  
10 Reales. I don't even remember the name.

11 Q Do you remember what type of development it  
12 was? Single family --

13 A It was lots, a lot of lots. I bought some  
14 land and divided it up in lots.

15 Q Did you develop the housing yourself or did  
16 you just develop a plan and then sell it to a developer  
17 who would then go on and build the houses?

18 A We build some houses and we sold lots.

19 Q Was that on property you owned?

20 A I bought, I bought the property. Well, I  
21 owned it in a sense, yes.

22 Q Did you own it at the time of the development?

23 A I made a deal to acquire it little by little.

24 MR. HARRISON: I know you shook your head but

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1 you didn't say yes or no.

2 THE DEPONENT: No, I bought it little by  
3 little.

4 EXAMINATION CONTINUED

5 BY MR. TAPICK:

6 Q Have you purchased any property in the Vega  
7 Baja area in the past five years?

8 A No.

9 Q In the past ten years?

10 A No.

11 Q Have you reacquired any property from say a  
12 bank foreclosure in the past ten years?

13 A Yes.

14 Q And that would be in Vega Baja?

15 A Yes.

16 Q Do you remember the price that you paid for  
17 the property you reacquired through a bank foreclosure?

18 A Well, it cost me, between my lawyers and the  
19 purchase price, maybe 500,000 to reacquire the seven  
20 acres plus I didn't get paid.

21 Q So the purchase price was \$500,000. for the  
22 seven acres, is that what you're telling me?

23 A When I say the purchase price, it was that  
24 plus what I didn't get paid so that would be 900,000. Q

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1 off the record regarding any opinions of value Mr. Piza  
2 may offer at trial, we will request orally now and we'll  
3 follow this up with a written request, for a complete  
4 computation of any opinion of value to the extent that  
5 it differs from the opinion that will be offered by Mr.  
6 Gaztambide.

7 MR. MUNPHREY: We completely agree on that.

8 MR. TAPICK: Okay. And we would request that  
9 we have an opportunity to follow up with questioning of  
10 Mr. Piza about that computation if it differs and we  
11 would be willing do that by telephone or video.

12 MR. MUNPHREY: We'll do by stipulation.

13 MR. HARRISON: Well, with that, I would say  
14 that I have no further questions for you today, sir.

15 THE DEPONENT: Thank you.

16 MR. P.E. HARRISON: Thank you.

17 (At 2:24 p.m. the deposition was concluded.)

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1 And you didn't get paid because of a default  
2 by the purchaser; Orange Development Company, is that  
3 correct?

4 A Yes.

5 Q Can you tell me who Orange Development Company  
6 was owned or controlled by, what individual?

7 A Alayo.

8 Q Alayo is the last name?

9 A Yes. Manuel Alayo.

10 Q Do you know if Mr. Alayo is a resident here in  
11 San Juan?

12 A I would like to find him.

13 Q When was your last contact with Mr. Alayo?

14 MR. P.E. HARRISON: Maybe the government can  
15 find him.

16 THE DEPONENT: Years ago.

17 EXAMINATION CONTINUED

18 BY MR. TAPICK:

19 Q Is he a citizen of the United States, do you  
20 know?

21 A I don't know really.

22 MR. TAPICK: Can we take a five minute break.

23 (A recess was taken at this time.)

24 MR. TAPICK: Okay. Per our prior discussion

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## REPORTER'S CERTIFICATE

1 I, ELBA MARTINEZ, Court Reporter;

2 DO HEREBY CERTIFY, That the foregoing  
3 transcript is a full, true and correct record of the  
4 testimony that was electronically recorded by me and  
5 thereafter reduced to typewritten form.

6 I FURTHER CERTIFY, that I am in no way  
7 interested in the outcome of the case mentioned in said  
8 caption.  
9

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C E R T I F I C A T E

I, JUAN PIZA BLONDET, the undersigned, do  
hereby certify that I have read the foregoing deposition  
taken the 6th day of April 2006 and that to the best of  
my knowledge, said deposition is true and accurate with  
the exception of the following corrections and reasons  
therefore listed below:

PAGE	LINE	CORRECTION	REASON
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9 DATE:



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